



Journal of the House

State of Indiana

121st General Assembly

First Regular Session

Forty-Fourth Day

Wednesday Morning

April 10, 2019

The invocation was offered by Pastor Joel Wallenbeck of Grace Bible Baptist Church in New Paris, a guest of Representative Nisly.

The House convened at 11:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative McNamara.

The Speaker ordered the roll of the House to be called:

Abbott	Huston
Austin	Jackson
Aylesworth	Jordan
Bacon	Judy
Baird	Karickhoff
Barrett	Kirchhofer
Bartels	Klinker
Bartlett	Lauer
Bauer	Lehe
Beck	Lehman
Behning	Leonard
Borders	Lindauer
Boy	Lucas <input type="checkbox"/>
T. Brown	Lyness
Burton	Macer
Campbell	Mahan
Candelaria Reardon	Manning
Carbaugh	May
Cherry	Mayfield
Chyung	McNamara
Clere	Miller
Cook	Moed
Davisson	Morris
Deal	Morrison
DeLaney	Moseley
DeVon	Negele
Dvorak	Nisly
Eberhart	Pfaff
Ellington	Pierce
Engleman	Porter
Errington	Prescott
Fleming	Pressel
Forestal <input type="checkbox"/>	Pryor
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Smaltz
Goodrich	V. Smith <input type="checkbox"/>
Gutwein	Soliday
Hamilton	Speedy
Harris	Steuerwald
Hatcher	Stutzman <input type="checkbox"/>
Hatfield	Sullivan
Heaton	Summers <input type="checkbox"/>
Heine	Thompson
Hostettler	Torr

VanNatter
Wesco
Wolkins
Wright

J. Young ☐
Zent
Ziemke
Mr. Speaker

Roll Call 452: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 11, 2019, at 9:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 64

The Speaker handed down Senate Concurrent Resolution 64, sponsored by Representative May:

A CONCURRENT RESOLUTION honoring all Hoosier "Rosie the Riveters".

Whereas, The Indiana General Assembly recognizes the 16 million American women who contributed to the war effort during World War II;

Whereas, Franklin Delano Roosevelt recognized the significance of "Rosies" and the home front during a 1942 Fireside Chat in which he declared, "Not all of us can have the privilege of working in a munitions factory or a shipyard, or on the farms or in oil fields or mines, producing the weapons or the raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States — every man, woman, and child — is in action, and will be privileged to remain in action throughout this war. That front is right here at home, in our daily lives, and in our daily tasks.";

Whereas, It is necessary and important to preserve and promote the history of all women who worked, volunteered, and served during World War II; and

Whereas, During Women's History Month, the State of Indiana recognizes these women as patriots for their countless hours of hard work, excellence in service, and the critical role that they played during World War II: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes all Hoosier "Rosie the Riveters" in honor of the 16 million American women who worked and volunteered during World War II.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

House Concurrent Resolution 42

Representatives Carbaugh, Heine, Judy and Morris introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION celebrating the 100th anniversary of the Fraternal Order of Police Indiana Wayne Lodge 14.

Whereas, The Fraternal Order of Police (FOP) Indiana Wayne Lodge 14 was organized on November 27, 1918, just days after the end of World War I;

Whereas, FOP Indiana Wayne Lodge 14 is the first lodge established in Indiana and remains Indiana's oldest active lodge;

Whereas, FOP Indiana Wayne Lodge 14 was instrumental in building a network of FOP lodges throughout the northeast district of the state of Indiana;

Whereas, The members of FOP Indiana Wayne Lodge 14 remain active in the Fort Wayne community with established programs including Bicycle Helmet Giveaway Days, Kops 4 Kids, Forgotten Families, and Blue Bucket Brigade; and

Whereas, The members of FOP Indiana Wayne Lodge 14 continue a tradition of fellowship serving in public safety and protecting their community: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly celebrates the 100th anniversary of the Fraternal Order of Police Indiana Wayne Lodge 14.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Fort Wayne Police Department Captain Mitchell McKinney.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Brown and Busch.

House Concurrent Resolution 56

Representatives Errington and Wright introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION honoring Mr. Hurley C. Goodall.

Whereas, A life-size statue has been commissioned by the Delaware County Historical Society and Community Enhancement Projects to honor Mr. Goodall for his many contributions to the community and state of Indiana;

Whereas, The statue will be located in Muncie Fireman's Park and has been designed by Hoosier artist Bill Wolfe;

Whereas, Mr. Hurley C. Goodall was born in Muncie, Indiana, on May 23, 1927, to Hurley Charles and Dorene Goodall;

Whereas, Mr. Goodall attended Muncie Central High School and graduated in 1945 before joining the United States Army that same year;

Whereas, Mr. Goodall served in Japan as a member of the U.S. Army Corps of Engineers before returning to Muncie in 1947;

Whereas, Mr. Goodall married his high school sweetheart, Fredine "Freddie" Wynn, in 1948, and they had two sons, Hurley, Jr., and Fred;

Whereas, Mr. Goodall was a leader during the civil rights movement in Muncie during the 1950s and 1960s and led change in his community;

Whereas, Mr. Goodall pursued personal and professional development through higher education at Indiana Business College and Purdue University before joining the Muncie Fire Department in 1958;

Whereas, Mr. Goodall made history as one of the first two African Americans to work for the Muncie Fire Department, on which he served Muncie for 20 years;

Whereas, Mr. Goodall made history again in 1970 when he became the first African American to serve on the Muncie Community Schools Board of Education, on which he served until 1978;

Whereas, Mr. Goodall was elected to the Indiana House of Representatives in 1978 and served as a champion for Hoosiers in his district and the state of Indiana until his retirement in 1992;

Whereas, Mr. Goodall was the first African American to represent his House district in the Indiana General Assembly;

Whereas, Mr. Goodall was a founding member of the Indiana Legislative Black Caucus and a House sponsor of the Martin Luther King, Jr., Day holiday bill;

Whereas, Mr. Goodall actively served as a board and committee member with multiple organizations throughout his many years of public service, including Action, Inc. of Delaware County, Central States Region National Caucus of Black School Board Members, Muncie Human Rights, NAACP Muncie Chapter, Whitley Community Council, and the Arts Commission; and

Whereas, Mr. Goodall is a major contributor and editor of "The Other Side of Middletown: Exploring Muncie's African American Community", which details a population not included in Robert and Helen Lynd's classic sociology study of Muncie, "Middletown: A Study in Modern American Culture": Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors Mr. Hurley C. Goodall for his many contributions to his community, the state of Indiana, and the United States of America.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Mr. Hurley C. Goodall.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lanane.

House Concurrent Resolution 57

Representative Mayfield introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION recognizing the 2018-2019 Tabernacle Christian School varsity basketball teams on winning Indiana Association of Christian Schools (IACS) Division I State Championships.

Whereas, The girls and boys basketball teams of Tabernacle Christian School bested the Crosspointe Christian Academy girls and boys teams 52-36 and 74-61, respectively, to win Indiana Association of Christian Schools Division I state titles;

Whereas, The TCS girls basketball state champions are: Alivia Keller, Emma Morris, Sophie Keller, Payton Scholl, Reese Scholl, Abby Doyle, Karley Elmore, Emma Roll, Elisabeth Ross, Abby Ross, and Sarita Hayford;

Whereas, The TCS girls basketball team ended the season with a record of 22-5 and went 9-1 in conference games;

Whereas, The TCS boys basketball state champions are: Jeff Kean, Avery Parker, Job Sichting, Carter Roll, Ethan Wright, James Waters III, Layton Woods, Jonathan Aldrich, Jorge Natareno, Jordan Hovious, Cody Anthis, Jason Baker, and Brett Baughman;

Whereas, The TCS boys basketball team ended the season with a record of 26-5 and went 12-0 in conference games;

Whereas, The head coaches of the TCS girls and boys basketball teams are Justin Scholl and Kenny Roll, respectively. Both coaches won 2019 IACS Coach of the Year awards for leading their teams and coaching their players to great basketball seasons; and

Whereas, The success of the basketball program at TCS is the result of the hard work, talent, skill, and dedication of the players as individual athletes and as teams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the 2018-2019 Tabernacle Christian School varsity girls and varsity boys basketball teams on winning Indiana Association of Christian Schools Division I State Championships.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Tabernacle Christian School varsity girls and boys basketball teams.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

House Concurrent Resolution 59

Representative Zent introduced House Concurrent Resolution 59:

A CONCURRENT RESOLUTION congratulating Ruth D. Hill on the occasion of her 90th birthday.

Whereas, Ruth D. Hill was born in Mobile, Alabama, on June 12, 1929;

Whereas, Ruth D. Hill moved to Lafayette, Indiana, in 1955, and then to Steuben County in 1961;

Whereas, Ruth D. Hill has served Steuben County as a loyal, strong voice for the Republican Party for 58 years;

Whereas, Ruth D. Hill is a member of the Steuben Republican Women's Club, Precinct Chair for Pleasant Township Precinct 6, and worked feverishly on many successful local and state campaigns, including those for Dan Quayle, Mark Souder, Marlin Stutzman, and Dennis Zent;

Whereas, Current State Representative Dennis Zent and State Senator Susan Glick commend Ruth D. Hill for her contributions to the political process and are honored to represent her in their districts;

Whereas, It is a joy to celebrate the 90th birthday of a woman whose life has had such a positive impact on her community, state, and country; and

Whereas, This occasion is celebrated by friends and family, including her three children, Bill Jr., Richard, and Ruth Alice Smith: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives congratulates Ruth D. Hill on the occasion of her 90th birthday and wishes her good health and happiness in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Dennis Zent for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Glick.

Representatives Summers and Young, who had been excused, are now present.

Representatives Errington and Wolkins, who had been present, are now excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1341.

CARBUAGH

Roll Call 453: yeas 94, nays 0. Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 144

Representative Pressel called down Engrossed Senate Bill 144 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 454: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Errington, who had been excused, is now present.

Engrossed Senate Bill 179

Representative Smaltz called down Engrossed Senate Bill 179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 455: yeas 89, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 325

Representative Cook called down Engrossed Senate Bill 325 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 456: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1009.

DEVON

Roll Call 457: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1170.

MAHAN

Roll Call 458: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1175.

ZIEMKE

Roll Call 459: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1224.

GOODRICH

Roll Call 460: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1236 and that the House now concur in the Senate amendments to said bill.

SOLIDAY

Roll Call 461: yeas 92, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1269.

GUTWEIN

Roll Call 462: yeas 86, nays 7. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1275.

MAHAN

Roll Call 463: yeas 90, nays 3. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1305.

LINDAUER

Roll Call 464: yeas 92, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1311.

SAUNDERS

Roll Call 465: yeas 66, nays 31. Motion prevailed.

Representative Saunders, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1397.

COOK

Roll Call 466: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1487.

CARBAUGH

Roll Call 467: yeas 71, nays 24. Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:01 p.m. with the Speaker in the Chair.

Representative Mayfield, Soliday and Wesco, who had been present, are now excused.

Representatives Saunders and Wolkins, who had been excused, are now present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 390

Representative Goodrich called down Engrossed Senate Bill 390 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 390-2)

Mr. Speaker: I move that Engrossed Senate Bill 390 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-29-6-1, AS AMENDED BY P.L.48-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) School employers and school employees shall:

- (1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;
- (2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and
- (3) enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

(b) Notwithstanding any other law, before a school employer and school employees may negotiate the matters described in subsection (a)(1) during the time period for formal collective bargaining established in section 12 of this chapter in private, the parties must conduct at least one (1) collective bargaining session in public in accordance with IC 5-14-1.5."

Page 2, delete lines 1 through 6.

(Reference is to ESB 390 as printed April 8, 2019.)

CLERE

Upon request of Representatives Mahan and Morris, the Speaker ordered the roll of the House to be called. Roll Call 468: yeas 83, nays 11. Motion prevailed.

Representative Mayfield and Wesco, who had been excused, are now present.

HOUSE MOTION
(Amendment 390-1)

Mr. Speaker: I move that Engrossed Senate Bill 390 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 390 as printed April 8, 2019.)

DELANEY

Upon request of Representatives Pierce and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 469: yeas 35, nays 59. Motion failed. The bill was ordered engrossed.

Representative Soliday, who had been excused, is now present.

Engrossed Senate Bill 223

Representative Steuerwald called down Engrossed Senate Bill 223 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 393

Representative Clere called down Engrossed Senate Bill 393 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 393-1)

Mr. Speaker: I move that Engrossed Senate Bill 393 be amended to read as follows:

Page 2, line 1, delete "subject to subsections (e) and (f)."

Page 2, line 2, delete "organization, or fraternal organization, or bona" and insert "**organization** or fraternal organization;"

Page 2, line 3, delete "fide civic organization;"

Page 2, delete lines 14 through 36, begin a new paragraph and insert:

"SECTION 2. IC 4-32.3-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5.5. (a) The commission may issue an annual casino night license to a bona fide civic organization for casino game night activities if:**

(1) the requirements of section 5(a) and 5(b) of this chapter are met;

(2) not more than three (3) qualified organizations in the county where the bona fide civic organization operates currently possess an annual casino night license; and

(3) the bona fide civic organization owns or leases a standalone building where the casino game night activities will be conducted.

(b) The number of bona fide civic organizations holding a license issued under this section in a particular county may not exceed one (1). In determining whether to grant a license under this section to a bona fide civic organization, the commission shall consider:

(1) the character and reputation of the bona fide civic organization in furthering its charitable purpose; and

(2) the bona fide civic organization's experience with and compliance in casino game night activities.

If more than one (1) otherwise qualified bona fide civic organization applies for a license under this section, the commission may award the license based on a random drawing.

(c) A license issued under this section to a bona fide civic organization described in subsection (a) is valid for a period of two (2) years, subject to ongoing compliance with this article and commission rules."

(Reference is to ESB 393 as printed April 5, 2019.)

CLERE

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

Speaker Bosma, who had been present, is now excused.

Engrossed Senate Bill 7

Representative Huston called down Engrossed Senate Bill 7 for second reading.

Dear Chairwoman Negele and Representative Errington,

I am writing to inform you that the Indy Eleven soccer team has been, and several of the owners of the Indy Eleven soccer team currently are, clients of the law firm of Kroger Gardis & Regas, LLP, where I am a partner. I have previously represented Indy Eleven on numerous issues, including its application for a Major League Soccer franchise, and have worked with Keystone Construction Corporation and its affiliates and other owners of Indy Eleven on various matters unrelated to Indy Eleven. Indy Eleven and its owners are currently advocating for portions of Senate Bill 7. Although I do not have a direct personal or pecuniary interest in Senate Bill 7 as anticipated by House Rule 169, as I have participated directly in the legal representation of the foregoing individuals and entities, I believe it is in the best interest of the House of Representatives that I do not participate in proceedings regarding the bill. Therefore, I do not intend to preside when the bill is on Second or Third Reading, or during the adoption of any concurrence or conference committee report relating thereto, and I will ask to be excused from voting.

I have carefully considered this course of action and believe it is appropriate to safeguard the public's trust in the Indiana House of Representatives. In order to further institutional transparency, please post this letter on the House Committee on Legislative Ethics website. Thank you for your attention to this matter.

Very truly yours,

Brian C. Bosma

Speaker of the House

121st General Assembly

CC: Phil GiaQuinta, Minority Leader

Greg Steuerwald, Member of the Statutory Committee on Ethics

Karen Engleman, Member of the Statutory Committee on Ethics

Terri Austin, Member of the Statutory Committee on Ethics

Matt Pierce, Member of the Statutory Committee on Ethics

Bob Rudolph, Chief Counsel Office of Legislative Ethics

The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 529

Representative Clere called down Engrossed Senate Bill 529 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 529-4)

Mr. Speaker: I move that Engrossed Senate Bill 529 be amended to read as follows:

Page 1, line 4, delete "that" and insert "That".

Page 2, line 1, delete "raising" and insert "keeping".

Page 2, line 5, delete "own" and insert "keep, the sex of the chickens a person may keep,".

(Reference is to ESB 529 as printed March 26, 2019.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 529-1)

Mr. Speaker: I move that Engrossed Senate Bill 529 be amended to read as follows:

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 2.

Page 2, line 3, delete "(b)" and insert "Sec. 2.".

(Reference is to ESB 529 as printed March 26, 2019.)

DEAL

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 470: yeas 50, nays 42. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 532

Representative Thompson called down Engrossed Senate Bill 532 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 549

Representative Cook called down Engrossed Senate Bill 549 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Baird, who had been present, is now excused.

Engrossed Senate Bill 563

Representative Huston called down Engrossed Senate Bill 563 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 565

Representative Huston called down Engrossed Senate Bill 565 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 565-5)

Mr. Speaker: I move that Engrossed Bill 565 be amended to read as follows:

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 4. IC 6-2.5-5-54 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 54. Sales of products used for feminine hygiene are exempt from the state gross retail tax.**

SECTION 5. IC 6-2.5-5-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 55. Sales of products worn by adults to manage incontinence are exempt from the state gross retail tax.**"

Page 106, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 66. [EFFECTIVE JULY 1, 2019] (a) IC 6-2.5-5-54 and IC 6-2.5-5-55, both as added by this act, apply only to retail transactions occurring after June 30, 2019.

(b) A retail transaction is considered to have occurred after June 30, 2019, if the property whose transfer constitutes selling at retail is delivered to the purchaser or to the place of delivery designated by the purchaser after June 30, 2019.

(c) Notwithstanding the delivery of the property

constituting selling at retail after June 30, 2019, a transaction is considered to have occurred before July 1, 2019, to the extent that:

(1) the agreement of the parties to the transaction is entered into before July 1, 2019; and

(2) payment for the property furnished in the transaction is made before July 1, 2019.

(d) This SECTION expires January 1, 2020."

Renumber all SECTIONS consecutively.

(Reference is to ESB 565 as printed April 5, 2019.)

Representative Leonard rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 565 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

Motion ruled out of order.

HOUSE MOTION
(Amendment 565-4)

Mr. Speaker: I move that Engrossed Senate Bill 565 be amended to read as follows:

Page 63, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 35. IC 6-7-1-27.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: **Sec. 27.9. (a) This section applies only if the rate of tax imposed on cigarettes under section 12 of this chapter is increased by the general assembly after December 31, 2018, and before January 1, 2020.**

(b) The amount of taxes determined under STEP EIGHT of the following formula shall be deposited in the health improvement fund established by IC 16-19-18-4:

STEP ONE: Determine the amount of taxes collected under this chapter with regard to cigarettes weighing not more than three (3) pounds per thousand (1,000) under section 12(1) of this chapter.

STEP TWO: Determine the quotient of:

(A) the rate of tax imposed under section 12(1) of this chapter before January 1, 2019; divided by

(B) the rate of tax imposed under section 12(1) of this chapter after December 31, 2018, and before January 1, 2020;

expressed as a percentage.

STEP THREE: Multiply the STEP ONE amount by the STEP TWO percentage and round to the nearest dollar.

STEP FOUR: Determine the amount of taxes collected under this chapter with regard to cigarettes weighing more than three (3) pounds per thousand (1,000) under section 12(2) of this chapter.

STEP FIVE: Determine the quotient of:

(A) the rate of tax imposed under section 12(2) of this chapter before January 1, 2019; divided by

(B) the rate of tax imposed under section 12(2) of this chapter after December 31, 2018, and before January 1, 2020;

expressed as a percentage.

STEP SIX: Multiply the STEP FOUR amount by the STEP FIVE percentage and round to the nearest dollar.

STEP SEVEN: Determine the sum of the STEP THREE amount and STEP SIX amount.

STEP EIGHT: Determine the result of:

(A) the sum of:

(i) the STEP ONE amount; plus

(ii) the STEP FOUR amount; minus

(B) the STEP SEVEN amount.

(c) The amount of taxes remaining after making the deposit under subsection (b) shall be deposited as set forth

in section 28.1 of this chapter.

SECTION 36. IC 6-7-1-28.1, AS AMENDED BY P.L.213-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]: Sec. 28.1. **Except as provided in section 27.9 of this chapter**, the taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

- (1) Four and twenty-two hundredths percent (4.22%) of the money shall be deposited in a fund to be known as the cigarette tax fund.
- (2) Six-tenths percent (0.6%) of the money shall be deposited in a fund to be known as the mental health centers fund.
- (3) The following amount of the money shall be deposited in the state general fund:
 - (A) After June 30, 2011, and before July 1, 2013, sixty and twenty-four hundredths percent (60.24%).
 - (B) After June 30, 2013, fifty-six and twenty-four hundredths percent (56.24%).
- (4) Five and forty-three hundredths percent (5.43%) of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.
- (5) Twenty-seven and five hundredths percent (27.05%) of the money shall be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17.
- (6) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for provider reimbursements.
- (7) The following amount of the money shall be deposited in the state retiree health benefit trust fund established by IC 5-10-8-8.5 as follows:
 - (A) Before July 1, 2011, five and seventy-four hundredths percent (5.74%).
 - (B) After June 30, 2011, and before July 1, 2013, zero percent (0%).
 - (C) After June 30, 2013, four percent (4%).

The money in the cigarette tax fund, the mental health centers fund, the healthy Indiana plan trust fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited under subdivisions (6) through (7) may not be used for any purpose other than the purpose stated in the subdivision."

Page 86, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 48. IC 16-19-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019 (RETROACTIVE)]:

Chapter 18. Health Improvement Fund

Sec. 1. This chapter applies only if the rate of tax imposed on cigarettes under IC 6-7-1-12 is increased by the general assembly after December 31, 2018, and before January 1, 2020.

Sec. 2. As used in this chapter, "state department" means the state department of health.

Sec. 3. As used in this chapter, "fund" refers to the health improvement fund established in section 4 of this chapter.

Sec. 4. (a) The health improvement fund is established. The purpose of the fund is to provide money for the purposes set forth in section 5 of this chapter. The state department shall administer the fund.

(b) The fund consists of the following:

- (1) Money deposited in the fund under IC 6-7-1-27.9.

(2) Interest and other earnings derived from investment of money in the fund.

(c) Interest, premiums, gains, or other earnings from the investments shall be credited to and deposited in the fund.

(d) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(e) The cost of administering the fund may be paid from money in the fund.

(f) Expenditures from the fund are subject to appropriation by the general assembly to the state department for the purposes under section 5 of this chapter.

Sec. 5. Money in the fund may be used only for one (1) or more of the following purposes:

(1) Treatment of opioid drug addiction and reduction of such addiction.

(2) Reduction of the incidence of diabetes.

(3) Treatment of obesity.

(4) Treatment of low birth weight.

(5) Increased access to mental health treatment."

Renumber all SECTIONS consecutively.

(Reference is to ESB 565 as printed April 5, 2019.)

DELANEY

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of Engrossed Senate Bill 565-4. Pursuant to House Rule 46, the reason for the request is the following:

I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on my income.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Engrossed Senate Bill 565-4. Pursuant to House Rule 168, the reason for the request is the following:

I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on my income.

EBERHART

Motion prevailed.

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 471: yeas 28, nays 60. Motion failed.

HOUSE MOTION

(Amendment 565-9)

Mr. Speaker: I move that Engrossed Senate Bill 565 be amended to read as follows:

Page 83, delete lines 19 through 42, begin a new paragraph and insert:

"Sec. 3. (a) After June 30, 2021, the fiscal body of a member may adopt an ordinance to impose an excise tax, known as the regional development food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the member may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the regional development food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the fiscal body of a member elects to impose the regional development food and beverage tax, the regional development food and beverage tax must be imposed at the lesser of:

- (1) the food and beverage tax rate that is specified in

the development authority plan adopted by the member; or

(2) one percent (1%);

on the gross retail income received by the merchant from a food or beverage transaction described in section 4 of this chapter.

(c) Subject to subsection (b), if a member adopts a revised development plan, the food and beverage tax rate specified in the development plan is changed, and the member continues to impose the regional development food and beverage tax, the fiscal body of the member shall adopt an ordinance in the manner described in subsection (a) to increase or decrease the tax rate at which the regional development food and beverage tax is imposed to match the food and beverage tax rate specified in the revised development plan.

(d) Except as otherwise provided in subsection (g), if an ordinance imposing the regional development food and beverage tax is in effect in the food and beverage tax territory of the member, the fiscal body of the member may rescind the ordinance imposing the regional development food and beverage tax. However, except as otherwise provided in subsection (g), if the fiscal body of a member has imposed the regional development food and beverage tax and the member terminates the member's participation in a development authority, the fiscal body of the member shall rescind the ordinance imposing the regional development food and beverage tax.

(e) If the fiscal body of a member adopts an ordinance under this section, the fiscal body of the member shall immediately send a certified copy of the ordinance to the department of state revenue and the applicable regional development authority.

(f) If the fiscal body of a member adopts an ordinance under this section, the regional development food and beverage tax applies to transactions that occur after the later of the following:

(1) The day specified in the ordinance.

(2) The last day of the month that succeeds the month in which the ordinance is adopted.

(g) If the member's regional development food and beverage tax revenue was pledged for the payment of principal and interest on bonds issued or leases entered into under IC 36-7.6, the fiscal body of the member may not rescind an ordinance imposing the regional development food and beverage tax until the obligations are paid in full."

Page 84, delete line 1 through 26.

(Reference is to ESB 565 as printed April 5, 2019.)

HUSTON

Motion prevailed.

HOUSE MOTION (Amendment 565-10)

Mr. Speaker: I move that Engrossed Senate Bill 565 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-2-7, AS AMENDED BY P.L.188-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. (a) As used in this section, "nonbusiness personal property" means personal property that is not:

(1) held for sale in the ordinary course of a trade or business;

(2) held, used, or consumed in connection with the production of income; or

(3) held as an investment.

(b) The following property is not subject to assessment and taxation under this article:

(1) A commercial vessel that is subject to the net tonnage tax imposed under IC 6-6-6.

(2) A vehicle that is subject to the vehicle excise tax imposed under IC 6-6-5.

(3) A motorized boat or sailboat that is subject to the boat excise tax imposed under IC 6-6-11.

(4) Property used by a cemetery (as defined in IC 23-14-33-7) if the cemetery:

(A) does not have a board of directors, board of trustees, or other governing authority other than the state or a political subdivision; and

(B) has had no business transaction during the preceding calendar year.

(5) A commercial vehicle that is subject to the annual excise tax imposed under IC 6-6-5.5.

(6) Inventory.

(7) A recreational vehicle or truck camper that is subject to the annual excise tax imposed under IC 6-6-5.1.

(8) The following types of nonbusiness personal property:

(A) All-terrain vehicles.

(B) Snowmobiles.

(C) Rowboats, canoes, kayaks, and other human powered boats.

(D) Invalid chairs.

(E) Yard and garden tractors.

(F) Trailers that are not subject to an excise tax under:

(i) IC 6-6-5;

(ii) IC 6-6-5.1; or

(iii) IC 6-6-5.5.

(9) For an assessment date after December 31, 2018; heavy rental equipment (as defined in IC 6-6-15-2) that is rented or held in inventory for rental or sale; the rental of which is or would be subject to the heavy equipment rental excise tax under IC 6-6-15.

SECTION 2. IC 6-1.1-12-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 47. (a) The following definitions apply throughout this section:

(1) "Rental equipment" has the meaning set forth in IC 6-6-15-2.

(2) "Retail merchant" has the meaning set forth in IC 6-2.5-1-8.

(b) An owner of rental equipment who:

(1) is a retail merchant engaged in the business of renting rental equipment to other persons; and

(2) properly makes an election under IC 6-6-15-8 for a calendar year;

is entitled to a deduction from the assessed value of the retail merchant's property for the calendar year equal to one hundred percent (100%) of the assessed value of the retail merchant's rental equipment.

(c) A taxpayer is not required to file an application to qualify for the deduction established by this section.

(d) The department of local government finance shall incorporate the deduction established by this section in the personal property return form to be used each year for filing under IC 6-1.1-3-7 or IC 6-1.1-3-7.5 to permit the taxpayer to enter the deduction on the form."

Page 63, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 37. IC 6-6-15-1 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. Sec. 1. This chapter applies only after December 31, 2018, to the rental of taxable heavy rental equipment.

SECTION 38. IC 6-6-15-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. The following definitions apply throughout this chapter:

(1) "Department" refers to the department of state revenue.

(2) "Electing retail merchant" means a retail merchant

who properly makes an election under section 8 of this chapter to have this chapter apply to the retail merchant's rental of rental equipment for a calendar year specified in the election.

(3) "Excise taxable year" means a calendar year for which a retail merchant has properly made an election under section 8 of this chapter to have this chapter apply to the retail merchant's rental of rental equipment during the calendar year.

(2) (4) "Gross retail income" has the meaning set forth in IC 6-2.5-1-5, except that the term does not include taxes imposed under IC 6-2.5 or the excise tax imposed under this chapter.

(3) "Heavy rental equipment" means personal property (including attachments used in conjunction with the personal property):

(A) that is owned by a person or business that:

(i) is classified under 532412 of the North American Industry Classification System Manual in effect on January 1, 2018; and

(ii) is a retail merchant in the business of renting heavy equipment, including any attachments;

(B) that is not intended to be permanently affixed to any real property; and

(C) that is not subject to registration under IC 9-18.1 for use on a public highway (as defined in IC 9-25-2-4).

However, the term does not include heavy rental equipment that is rented for mining purposes or heavy rental equipment that is eligible for a property tax abatement deduction under IC 6-1.1-12.1 during the calendar year.

(4) (5) "Person" has the meaning set forth in IC 6-2.5-1-3.

(5) (6) "Rental" means any transfer of possession or control of heavy rental equipment for consideration:

(A) for a period not to exceed three hundred sixty-five (365) days; or

(B) for a period that is open ended under the terms of the rental contract with no specified end date.

(7) "Rental equipment" means tangible personal property (including attachments used with the tangible personal property):

(A) that is held by a retail merchant for rent or lease to another person;

(B) that is not intended to be permanently affixed to any real property; and

(C) that is not subject to registration under IC 9-18.1 for use on a public highway (as defined in IC 9-25-2-4).

The term does not include personal property that is rented for mining purposes or personal property that is eligible for a property tax abatement deduction under IC 6-1.1-12.1 during the calendar year.

(6) (8) "Retail merchant" has the meaning set forth in IC 6-2.5-1-8.

SECTION 39. IC 6-6-15-3, AS ADDED BY P.L.188-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3. (a) An excise tax, known as the heavy equipment rental excise tax, is imposed upon the rental of heavy rental equipment from a retail merchant and from a location in Indiana during an excise taxable year of the electing retail merchant.

(b) The heavy equipment rental excise tax imposed under this chapter is two and twenty-five hundredths percent (2.25%) of the gross retail income received by the electing retail merchant for the rental.

SECTION 40. IC 6-6-15-4, AS ADDED BY P.L.188-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. A transaction involving the rental of heavy rental equipment is exempt from the tax imposed by this chapter if any of the following apply:

(1) The rentee is:

(A) the United States government;

(B) the state;

(C) a political subdivision (as defined in IC 36-1-2-13); or

(D) an agency or instrumentality of an entity described in clauses (A) through (C).

(2) The transaction is a subrent of the heavy rental equipment from a rentee to another person, and the rentee was liable for the tax imposed under this chapter.

(3) The retail merchant who rents the rental equipment to a rentee is not an electing retail merchant for the calendar year in which the transaction occurred.

SECTION 41. IC 6-6-15-5, AS ADDED BY P.L.188-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. A person that rents heavy rental equipment from an electing retail merchant during an excise taxable year of the retail merchant is liable for the heavy equipment rental excise tax on the transaction. The person shall pay the tax to the electing retail merchant as a separate amount added to the consideration for the transaction. The electing retail merchant shall collect the tax as an agent for the state.

SECTION 42. IC 6-6-15-6, AS ADDED BY P.L.188-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) Subject to subsection (b), a retail merchant shall remit the heavy equipment rental excise tax that the electing retail merchant collects under this chapter in the same manner as the state gross retail tax is remitted under IC 6-2.5.

(b) The heavy equipment rental excise tax imposed under this chapter shall be sourced to the business location of the electing retail merchant from which the heavy rental equipment is rented.

(c) The return to be filed for the payment of the heavy equipment rental excise tax may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department.

SECTION 43. IC 6-6-15-7, AS ADDED BY P.L.188-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. (a) All revenues collected from the heavy equipment rental excise tax must be deposited in a special account of the state general fund called the heavy equipment rental excise tax account.

(b) On or before April 30 and October 30 of each year, all amounts held in the heavy equipment rental excise tax account must be distributed to counties as provided by this section.

(c) The amount to be distributed to a county treasurer under this section equals the part of the total heavy equipment rental excise taxes being distributed that were initially imposed and collected from within that county treasurer's county. The department shall notify each county auditor of the amount of taxes to be distributed to the county treasurer. At the same time each distribution is made to a county treasurer, the department shall certify to the county auditor the taxing districts within the county where heavy equipment rental excise taxes were collected and the amount of the county distribution that was collected with respect to each taxing district.

(d) A county treasurer shall deposit heavy equipment rental excise tax distributions in a separate account for settlement at the same time as property taxes are accounted for and settled in June and December of each year.

(e) The county auditor shall apportion and the county treasurer shall distribute the heavy equipment rental excise taxes among the taxing units of the county in the same manner that property taxes are apportioned and distributed with respect to property located in the taxing district where the heavy equipment rental excise tax is sourced by the department under section 6(b) of this chapter.

(f) Before January 1, 2020, the heavy equipment rental excise

taxes distributed to a taxing unit must be deposited in the taxing unit's levy excess fund under IC 6-1.1-18.5-17, or in the case of a school corporation, the school corporation's levy excess fund under IC 20-44-3.

(g) After December 31, 2019, the heavy equipment rental excise taxes distributed to a taxing unit must be allocated among the taxing unit's funds in the same proportion that the taxing unit's property tax collections are allocated among those funds.

(h) After December 31, 2019, taxing units of a county may request and receive advances of heavy equipment rental excise tax revenues in the manner provided under IC 5-13-6-3.

(i) All distributions from the heavy equipment rental excise tax account must be made by warrants issued by the auditor of state to the treasurer of state ordering those distributions to the appropriate county treasurer.

SECTION 44. IC 6-6-15-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) A retail merchant engaged in the business of renting rental equipment may elect to have this chapter apply to the retail merchant's transactions involving the rental of rental equipment for a calendar year by making the election in the manner prescribed by the department before October 1 of the immediately preceding calendar year.

(b) A retail merchant's election under subsection (a) for a calendar year applies:

- (1) to all of the retail merchant's rental equipment in Indiana; and
- (2) to all of the retail merchant's locations in Indiana, including any locations that open after the date of the election and before January 1 of the calendar year immediately following the calendar year for which the election is made.

(c) Except as otherwise provided in section 4 of this chapter, if a retail merchant properly makes the election under subsection (a) for a calendar year, this chapter applies to each transaction during the calendar year in which the retail merchant rents rental equipment to another person.

SECTION 45. IC 6-6-15-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. Notwithstanding IC 6-8.1-7-1, not later than March 1 of each calendar year, for each county, the department shall provide a list of the electing retail merchants located in the county for the calendar year and, for each electing retail merchant located in the county, the addresses of the electing retail merchant's locations in the county to:

- (1) the county assessor of the county; and
- (2) the department of local government finance.

The department shall provide an updated list if any electing retail merchant opens a new location after the date on which the department provides the list required under this section."

Page 106, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 77. [EFFECTIVE JULY 1, 2019] (a) The following

definitions apply throughout this SECTION:

(1) "Rental equipment" means tangible personal property (including attachments used with the tangible personal property):

- (A) that is held by a retail merchant for rent or lease to another person;
- (B) that is not intended to be permanently affixed to any real property; and
- (C) that is not subject to registration under IC 9-18.1 for use on a public highway (as defined in IC 9-25-2-4).

The term does not include personal property that is rented for mining purposes or personal property that

is eligible for a property tax abatement deduction under IC 6-1.1-12.1 during the calendar year.

(2) "Retail merchant" has the meaning set forth in IC 6-2.5-1-8.

(b) A retail merchant engaged in the business of renting rental equipment may elect to have IC 6-6-15, as amended by this act, apply to the retail merchant's transactions involving the rental of rental equipment for 2020 by making the election in the manner prescribed by the department before October 1, 2019.

(c) A retail merchant's election under subsection (b) for 2020 applies:

- (1) to all of the retail merchant's rental equipment in Indiana; and
- (2) to all of the retail merchant's locations in Indiana, including any locations that open after the date of the election and before January 1, 2021.

(d) Except as otherwise provided in IC 6-6-15-4, as amended by this act, if a retail merchant properly makes the election under subsection (a) for 2020, IC 6-6-15, as amended by this act, applies to each transaction during 2020 in which the retail merchant rents rental equipment to another person.

(e) This SECTION expires January 1, 2020."

Renumber all SECTIONS consecutively.

(Reference is to ESB 565 as printed April 5, 2019.)

HUSTON

Motion prevailed.

HOUSE MOTION
(Amendment 565-6)

Mr. Speaker: I move that Engrossed Senate Bill 565 be amended to read as follows:

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-5-26, AS AMENDED BY P.L.214-2018(ss), SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26. (a) Sales of tangible personal property are exempt from the state gross retail tax, if:

- (1) the seller is an organization that is described in section 21(b)(1) of this chapter;
- (2) the organization makes the sale to make money to carry on a not-for-profit purpose; and
- (3) the organization does not make those sales during more than thirty (30) days in a calendar year.

(b) Sales of tangible personal property are exempt from the state gross retail tax, if:

- (1) the seller is an organization described in section 21(b)(1) of this chapter;
- (2) the seller is not operated predominantly for social purposes;
- (3) the property sold is designed and intended primarily either for the organization's educational, cultural, or religious purposes, or for improvement of the work skills or professional qualifications of the organization's members; and
- (4) the property sold is not designed or intended primarily for use in carrying on a private or proprietary business.

(c) Sales of tangible personal property by a public library, or a charitable organization described in section 21(b)(1) of this chapter formed to support a public library, are exempt from the state gross retail tax if the property sold consists of:

- (1) items in the library's circulated and publicly available collections, including items from the library's holdings; or
- (2) items that would typically be included in the library's circulated and publicly available collections and that are donated by individuals or organizations to a public library or to a charitable organization described in section 21(b)(1) of this chapter formed to support a public library.

The exemption provided by this subsection does not apply to any other sales of tangible personal property by a public library.

(d) The exemption provided by this section does not apply to an accredited college or university's sales of books **other than textbooks exempt under section 56 of this chapter**, stationery, haberdashery, supplies, or other property.

SECTION 2. IC 6-2.5-5-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 56. Sales of textbooks are exempt from the state gross retail tax if:**

- (1) **the textbooks are required for an undergraduate course at an accredited college or university; and**
- (2) **the purchaser is a student enrolled in an accredited college or university or the parent or guardian of a student enrolled in an accredited college or university."**

Page 106, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 66. [EFFECTIVE JULY 1, 2019] (a) **IC 6-2.5-5-56, as added by this act, applies only to retail transactions occurring after June 30, 2019.**

(b) **A retail transaction is considered to have occurred after June 30, 2019, if the property whose transfer constitutes selling at retail is delivered to the purchaser or to the place of delivery designated by the purchaser after June 30, 2019.**

(c) **Notwithstanding the delivery of the property constituting selling at retail after June 30, 2019, a transaction is considered to have occurred before July 1, 2019, to the extent that:**

- (1) **the agreement of the parties to the transaction is entered into before July 1, 2019; and**
- (2) **payment for the property furnished in the transaction is made before July 1, 2019.**

(d) **This SECTION expires January 1, 2020."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 565 as printed April 5, 2019.)

PORTER

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 472: yeas 30, nays 59. Motion failed.

HOUSE MOTION (Amendment 565-2)

Mr. Speaker: I move that Engrossed Senate Bill 565 be amended to read as follows:

Page 63, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 35. IC 6-7-1-0.4, AS ADDED BY P.L.220-2011, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.4. (a)** Notwithstanding section 14 of this chapter, revenue stamps paid for before July 1, 2007, and in the possession of a distributor may be used after June 30, 2007, only if the full amount of the tax imposed by section 12 of this chapter, as effective after June 30, 2007, and as amended by P.L.218-2007, is remitted to the department under the procedures prescribed by the department.

(b) **Notwithstanding section 14 of this chapter, revenue stamps paid for before July 1, 2019, and in the possession of a distributor may be used after June 30, 2019, only if the full amount of the tax imposed by section 12 of this chapter, as amended and effective after June 30, 2019, is remitted to the department under the procedures prescribed by the department.**

SECTION 36. IC 6-7-1-12, AS AMENDED BY P.L.191-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 12.** The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes

within the state of Indiana:

(1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of ~~four and nine hundred seventy-five thousandths cents (\$0.04975)~~ **fourteen and nine hundred seventy-five thousandths cents (\$0.14975)** per individual cigarette.

(2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of ~~six and six hundred twelve thousandths cents (\$0.06612)~~ **nineteen and nine hundred two thousandths cents (\$0.19902)** per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 1/2) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 3/4) inches (or fraction thereof) as a separate cigarette."

Renumber all SECTIONS consecutively.

(Reference is to ESB 565 as printed April 5, 2019.)

DELANEY

Representative Leonard rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 565. The author of the motion withdrew the amendment. The bill was ordered engrossed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Speaker Bosma, who had been excused, is now present.

Engrossed Senate Bill 582

Representative Karichoff called down Engrossed Senate Bill 582 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 609

Representative Clere called down Engrossed Senate Bill 609 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 609-2)

Mr. Speaker: I move that Engrossed Senate Bill 609 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.3. "Bottle" has the meaning set forth in 27 CFR 4.71.**

SECTION 2. IC 7.1-1-3-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.7. "Bulk", for purposes of IC 7.1-3-12, means a container of over sixty (60) liters.**

SECTION 3. IC 7.1-3-2-7, AS AMENDED BY P.L.270-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 7.** The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:

- (A) Sell and deliver a total of not more than thirty

thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.

(B) Be the proprietor of a restaurant **that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2.**

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B)

(D) Transfer beer directly from the brewery to the restaurant by means of:

- (i) bulk containers; or
- (ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:

- (i) Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.
- (ii) Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.
- (iii) Providing food prepared at the brewery.

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

- (i) individually; or
- (ii) with other permit holders under this chapter, holders of artisan distiller's permits, holders of farm winery permits, or any combination of holders described in this item;

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. All of the permit holders may occupy the same tent, structure, or building. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(K) Store or condition beer in a secure building that is:

- (i) separate from the brewery; and
- (ii) owned or leased by the permit holder.

A brewer may not sell or transfer beer directly to a permittee or consumer from a building described in this clause.

(6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for

sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

- (A) produced by the brewer; and
- (B) offered to consumers for consumption on the brewer's premises.

(8) Own a portion of the corporate stock of a sports corporation that:

- (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
- (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

(9) For beer described in IC 7.1-1-2-3(a)(4):

- (A) may allow transportation to and consumption of the beer on the licensed premises; and
- (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 4. IC 7.1-3-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **Scope of Permit.**

The holder of a distiller's permit shall be entitled to manufacture liquor, to rectify it, and to bottle it. A distiller shall enjoy all the privileges accorded the holder of a rectifier's permit, but ~~he~~ shall not have to obtain a separate rectifier's permit nor pay an additional fee. A distiller shall be entitled to transport liquor and to sell and deliver it in shipments to points outside this state, or to the holder of a liquor wholesaler's permit, or to the holder of a rectifier's permit. A distiller may not sell liquor **produced under a distiller's permit as issued under IC 7.1-3-7-1** to a consumer, nor to a person for the purpose of having it retailed by ~~him~~; **the person**, whether that person holds a liquor retailer's permit under this title or not."

Page 2, line 20, after "restaurant" insert "**that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2**".

Page 2, line 21, delete "activities under IC 7.1-3-29-2." and insert "**the following activities:**

(A) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant.

(B) Transfer wine directly from the farm winery to a restaurant that the farm winery has an interest in by means of:

- (i) bottles;**
- (ii) bulk containers; or**
- (iii) a continuous flow system.**

(C) Install a window between the farm winery and an adjacent restaurant that allows the public and the holder of the permit to view both premises.

(D) Install a doorway or other opening between the farm winery and an adjacent restaurant that provides the public and the holder of the permit with access to both the farm winery and restaurant."

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 6. IC 7.1-3-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Except as provided in section 1.5 of this chapter**, the commission may issue a wine wholesaler's permit to sell wine, or wine and brandy, at wholesale to a person who:

- (1) notwithstanding IC 7.1-5-9-4, holds a beer wholesaler's permit;

- (2) holds a liquor wholesaler's permit; or
- (3) does not hold an alcoholic beverage wholesaler's permit, but meets the qualifications to hold either a beer or a liquor wholesaler's permit.

(b) The holder of a wine wholesaler's permit under subsection (a)(1) or (a)(2):

- (1) is considered the same as a person who holds a wine wholesaler's permit under subsection (a)(3) for purposes of conducting activities and operations under the wine wholesaler's permit; and
- (2) may operate the beer or liquor wholesale business independently of the wine wholesale business.

SECTION 7. IC 7.1-3-13-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) An applicant for a wine wholesaler's permit issued under this section may not:**

- (1) have distributed wine through a wine wholesaler in Indiana within the one hundred twenty (120) days immediately preceding the application for a wine wholesaler's permit issued under this section; or
- (2) distribute wine through a different wine wholesaler in Indiana during the term of the wine wholesaler's permit issued under this section.

(b) The commission may issue a type of wine wholesaler's permit to an applicant that:

- (1) sells less than twelve thousand (12,000) gallons of wine or wine and brandy at wholesale in a year; and
- (2) meets the requirements for holding a wine wholesaler's permit under section 1 of this chapter.

(c) The holder of a farm winery permit:

- (1) may hold a wine wholesaler's permit issued under this section; and
- (2) is not subject to section 1 of this chapter.

(d) The holder of a wine wholesaler's permit issued under this section may enter into an agreement to:

- (1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or
- (2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

(e) A holder of a wine wholesaler's permit issued under this section may not distribute more than twelve thousand (12,000) gallons of wine or brandy in a year.

(f) A holder of a wine wholesaler's permit issued under this section that has ownership in common or has a contractual relationship concerning the distribution of wine with:

- (1) a holder of a wine wholesaler's permit, as described in section 1 of this chapter, in Indiana; or
- (2) another holder of a wine wholesaler's permit issued under this section;

shall surrender their permit issued under this section to the commission if the holder sells more than twelve thousand (12,000) gallons of wine or brandy in a year.

SECTION 8. IC 7.1-3-13-2.5, AS AMENDED BY P.L.70-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a)** All premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued.

(b) Except as provided in section 1.5(d) of this chapter, a wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit.

(c) A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. ~~The holder of a wine~~

~~wholesaler's permit described in IC 7.1-4-4.1-13(c) may enter into an agreement to:~~

- ~~(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or~~
- ~~(2) use goods and services provided by a farm winery or a farm winery brandy distiller;~~

~~or both.~~

SECTION 9. IC 7.1-3-20-9.5, AS AMENDED BY P.L.86-2018, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. (a)** This section applies only to a retailer's permit for a restaurant.

(b) This section does not apply to a retailer's permit that is issued or transferred to the following:

- (1) A city market under IC 7.1-3-20-25.
- (2) A marina under IC 7.1-3-1-25.
- (3) A state park under IC 7.1-3-17.8.
- (4) A golf course.
- (5) A hotel or resort hotel.
- (6) A social or fraternal club.
- (7) A restaurant, the proprietor of which is the holder of:
 - (A) a brewer's permit under IC 7.1-3-2-7(5);
 - (B) a farm winery permit under IC 7.1-3-12-5; or
 - (C) an artisan distiller's permit under IC 7.1-3-27-8.

(c) Except as provided in subsections (d) and (e), after May 14, 2017, a retailer permittee may not sell alcoholic beverages for carryout unless at least sixty percent (60%) of the retailer permittee's gross retail income from the sale of alcoholic beverages is derived from the sale of alcoholic beverages for consumption on the licensed premises.

(d) This subsection applies only to a retailer's permit with carryout privileges that was initially:

- (1) issued; or
- (2) transferred as to ownership or to the premises location; before November 1, 2016. Notwithstanding IC 7.1-3-1-1.5, a retailer permittee may continue to sell carryout after May 14, 2017, and is not required to comply with the gross retail income requirements. However, if the permit is transferred to a new location after May 14, 2017, and the location is not exempt under subsection (b), the gross retail income requirements of this section apply to the transferred permit.

(e) This subsection applies to a retailer's permit with carryout privileges that was initially:

- (1) issued; or
- (2) transferred to the premises location; after October 31, 2016, and before May 15, 2017. Notwithstanding IC 7.1-3-1-1.5, a retailer permittee may continue to sell carryout after May 14, 2017, and is not required to comply with the gross retail income requirements until the retailer's permit is renewed. A retailer permittee may be issued a letter of extension, and subsequent renewals of the extension under IC 7.1-3-1-3.1, but the permit term may not be extended past April 1, 2018. A retailer permittee may continue to sell carryout while the extension is in effect. If the permit is transferred as to ownership or to a location that is not exempt under subsection (b), the gross retail income requirements of this section apply upon transfer of the permit.

(f) Except for a retailer permittee described in subsection (d), a retailer permittee that has carryout privileges must apply for renewal of the carryout privileges when applying for renewal of the retailer's permit. The retailer permittee must provide the commission with a financial statement with information that shows the dollar amounts and percentages of the retailer permittee's gross retail income that is derived from sales of alcoholic beverages:

- (1) for consumption on the licensed premises; and
- (2) for carryout;

during the one hundred eighty (180) days preceding the date of the application for renewal.

(g) For subsequent applications for renewal, the commission

may allow a retailer permittee to submit to the commission an affidavit of compliance that is signed by the permittee, or by a responsible officer or partner, under the penalties of perjury, that states that the requirements of subsection (c) continue to be met. If the commission has reasonable grounds to doubt the truthfulness of an affidavit of compliance, the commission may require the retailer permittee to provide audited financial statements.

(h) If an applicant for renewal of carryout privileges does not meet the requirements of subsection (c) and the commission denies the application, the applicant may apply for a reinstatement of carryout privileges with the permittee's next application for renewal of the retailer's permit that is made in accordance with subsection (i).

(i) An applicant:

- (1) for a retailer's permit and carryout privileges that has not opened for business; or
- (2) for carryout privileges that:
 - (A) is the holder of a retailer's permit for an operating business; and
 - (B) has had the previous application for carryout privileges or renewal of carryout privileges denied by the commission;

must provide the commission with a verified certification stating that the projected gross retail income from alcoholic beverage sales during the business's first two (2) years of operations with carryout privileges will meet the requirements of subsection (c). Not more than one hundred eighty (180) days after the date the applicant begins or resumes alcoholic beverage sales with carryout privileges, the applicant shall provide a financial statement with sufficient information to show that during the first one hundred twenty (120) days of business operations with carryout privileges, sixty percent (60%) of the gross retail income from all alcoholic beverage sales was derived from sales of alcoholic beverages for consumption on the premises.

(j) The commission may:

- (1) require that a financial statement submitted by an applicant under this chapter be audited by a certified public accountant; and
- (2) with the cooperation of the department of state revenue, verify the information provided by the applicant.

(k) The information provided to the commission under this chapter regarding gross retail income is confidential information and may not be disclosed to the public under IC 5-14-3. However, the commission may disclose the information:

- (1) to the department of state revenue to verify the accuracy of the amount of gross retail income from sales of alcoholic beverages; and
- (2) in any administrative or judicial proceeding to revoke or suspend the holder's permit as a result of a discrepancy in the amount of gross retail income from sales of alcoholic beverages discovered by the department of state revenue.

(l) Notwithstanding IC 6-8.1-7-1 or any other law, in fulfilling its obligations under this section, the department of state revenue may provide confidential information to the commission. The commission shall maintain the confidentiality of information provided by the department of state revenue under this chapter. However, the commission may disclose the information in any administrative or judicial proceeding to revoke or suspend the holder's permit as a result of any information provided by the department of state revenue.

(m) If the commission does not grant or renew a retailer permittee's carryout privileges, the denial shall not affect the other rights, privileges, and restrictions of the retailer's permit, including the retailer permittee's ability to sell alcoholic beverages for on-premises consumption."

Page 3, line 1, after "(1)" insert "**or more than one (1)**".

Page 3, line 6, strike "(a)(2)" and insert "**(a)**".

Page 3, line 7, after "restaurant" insert ".".

Page 3, line 7, strike "as".

Page 3, line 8, after "IC 7.1-3-2-7(5)(C)" insert ".".

Page 3, line 8, strike "described in IC 7.1-3-2-7(5)(C)".

Page 3, line 8, delete "or IC 7.1-3-29".

Page 4, line 3, after "restaurant" insert "**that is not subject to the minimum gross food sales or the minimum projected food sales set forth in 905 IAC 1-41-2**".

Page 4, line 3, delete "activities" and insert "**the following activities**:"

(A) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant.

(B) Transfer liquor directly from the artisan distillery to a restaurant that the artisan distiller has an interest in by means of:

(i) bottles;

(ii) bulk containers; or

(iii) a continuous flow system.

(C) Install a window between the artisan distillery and an adjacent restaurant that allows the public and the holder of the permit to view both premises.

(D) Install a doorway or other opening between the artisan distillery and an adjacent restaurant that provides the public and the holder of the permit with access to both the artisan distillery and restaurant."

Page 4, delete line 4.

Page 4, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 12. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to the following permits:

(1) Beer wholesaler's permit.

(2) Malt wholesaler's permit.

(3) Liquor wholesaler's permit.

(4) Wine wholesaler's permit.

(b) Except as provided in subsection (c), a permit fee of two thousand dollars (\$2,000) is annually imposed for the issuance of each of the permits described in subsection (a).

(c) A permit fee of one hundred dollars (\$100) is annually imposed for the issuance of a wine wholesaler's permit under IC 7.1-3-13-1.5. to a permit applicant who:

(1) has never previously held a wine wholesaler's permit and anticipates selling less than twelve thousand (12,000) gallons of wine and brandy in a year; or

(2) previously held a wine wholesaler's permit and certifies to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine and brandy in the previous year."

Page 6, line 7, delete "." and insert "**and the minor is accompanied by the adult in any area that the adult may be present whether or not the area:**

(A) is separated in any manner from where the wine is manufactured, sold, or consumed within the farm winery premises; or

(B) operates under a retailer's permit."

Page 6, line 8, delete ":".

Page 6, strike lines 9 through 10.

Page 6, line 11, strike "(B)".

Page 6, run in lines 8 through 13.

Page 6, line 13, delete "." and insert "**and the minor is accompanied by the adult in any area that the adult may be present whether or not the area:**

(A) is separated in any manner from where the liquor is manufactured, sold, or consumed within the artisan distillery's premises; or

(B) operates under a retailer's permit."

Page 6, line 18, delete "present:" and insert:

"present whether or not the area:

(A) is separated in any manner from where the beer is manufactured, sold, or consumed within the brewery premises; or
(B) operates under a retailer's permit."

Page 6, delete lines 19 through 25.

Page 6, line 39, after "(a)" insert "This section does not apply to the holder of an artisan distiller's permit that has an interest in:

- (1) a brewer's permit issued under IC 7.1-3-2-2;
- (2) a farm winery permit issued under IC 7.1-3-12-5; or
- (3) a distiller's permit issued under IC 7.1-3-7-1.

(b)".

Page 6, line 40, strike "distiller's, rectifiers, or".

Page 6, line 41, strike "This section does not apply".

Page 6, strike line 42.

Page 7, line 1, after "IC 7.1-3-2-2(b)" insert ".".

Page 7, line 1, strike "brewer's permit issued under IC 7.1-3-2-2(b)".

Page 7, line 1, delete "or a farm winery permit".

Page 7, delete line 2.

Page 7, line 3, strike "(b)" and insert "(c)".

Page 7, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 15. IC 7.1-5-9-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7. (a) Except as provided in IC 7.1-3-27-6, it is unlawful for the holder of an artisan distiller's, a distiller's, or a rectifier's permit to own, acquire, possess or cause to be transferred to the holder shares of stock of a corporation that holds an Indiana permit to sell alcoholic beverages at retail, or in a permit to sell at retail in this state, or to own or acquire an interest in the business being conducted under the permit, or in or to shares of stock in a corporation that owns a permit to sell at retail:

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 16. IC 7.1-5-9-8, AS AMENDED BY P.L.159-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The holder of an artisan distiller's permit, a distiller's permit, or a rectifier's permit may not own, acquire, or possess a permit to sell liquor at wholesale. Except as provided in IC 7.1-3-27-6, a distiller or rectifier may not have an interest in the business of a permittee who is authorized to sell beer, liquor, or wine at wholesale or retail.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor."

Page 7, line 14, delete ";" and insert "issued under IC 7.1-3-27-2";

Page 7, line 15, delete "and".

Page 7, line 16, after "IC 7.1-3-12-3" delete "." and insert "; and

- (4) a distiller's permit under IC 7.1-3-7-1 if the holder of the distiller's permit also holds an interest in an artisan distiller's permit as described in IC 7.1-3-27-2."

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 17. IC 35-52-7-55 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 55. ~~IC 7.1-5-9-7 defines a crime concerning interests.~~"

Renumber all SECTIONS consecutively.

(Reference is to ESB 609 as printed April 5, 2019.)

CLERE

Motion prevailed. The bill was ordered engrossed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1114 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1171 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1198 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1284 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LUCAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1629 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

Representatives Frye and Huston, who had been present, are now excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1237.

SOLIDAY

Roll Call 473: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1248.

DAVISSON

Roll Call 474: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1308.

BACON

Roll Call 475: yeas 91, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1347.

BURTON

Roll Call 476: yeas 75, nays 17. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1375.

LEHMAN

Roll Call 477: yeas 91, nays 1. Motion prevailed.

Representative Speedy, who had been present, is now excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1443.

T. BROWN

Roll Call 478: yeas 90, nays 0. Motion prevailed.

Representative Speedy, who had been excused, is now present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1545.

KIRCHHOFFER

Roll Call 479: yeas 93, nays 0. Motion prevailed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1547.

KIRCHHOFFER

Roll Call 480: yeas 92, nays 0. Motion prevailed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1638.

LEHE

Roll Call 481: yeas 92, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to Rule 8, I move that we suspend House Rule 117.2 for purposes of the filing deadline on Thursday, April 11, 2019 and make the deadline one hour. The filing deadline for that day shall be 8:00 a.m.

LEONARD

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 10, 2019, I signed into law House Enrolled Acts 1029, 1051, 1053, 1057 and 1080.

ERIC HOLCOMB
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be removed as cosponsor of Engrossed Senate Bill 7 and Representative Kirchhofer be added as cosponsor.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackleford be added as cosponsor of Engrossed Senate Bill 392.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartlett, Hatcher, Jackson, Pryor, Shackleford, Summers and Harris be added as coauthors of House Concurrent Resolution 54.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Campbell be added as coauthor of House Concurrent Resolution 55.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartlett, Harris, Hatcher, Jackson, Porter, Pryor, Shackleford, V. Smith, and Summers be added as coauthors of House Concurrent Resolution 56.

ERRINGTON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, with amendments, Engrossed House Bills 1089, 1113, 1114, 1198, 1217, 1223, 1266, 1284, 1473, 1569, 1615, 1629 and 1649 and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1374 and 1394 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 53, 67, 68, 69, 70, 71 and 72 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Clere, the House adjourned at 5:50 p.m., this tenth day of April, 2019, until Thursday, April 11, 2019, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives